

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Case Processing by the Planning and Environmental Review Board

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I-96

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Purpose

By Ordinance 6507 (New Series), Article XXIIb of the County of San Diego Administrative Code, the Board of Supervisors established the Planning and Environmental Review Board (PERB hereafter) and specified certain rules of conduct and procedure for the PERB. This Policy is to supplement the County Administrative Code by specifying procedural details to be followed with respect to the processing of cases heard by the PERB.

Background

The PERB has authority to approve, deny or modify certain Major Use Permits and Tentative Maps, with appeals therefrom taken to the Planning Commission and ultimately the Board of Supervisors. The PERB also has an advisory role on Major Use Permit cases which are filed pursuant to Policy 3.8 of the General Plan, and on vacations of roads, open space easements and certain other easements that have been granted to the County. To assure uniformity in noticing, legal ads and hearing format, this Policy was created.

Policy

It is the policy of the Board of Supervisors that:

A. A Single Tentative Map Case, a Single Major Use Permit Case, and a Case Involving Both a Tentative Map With a Concurrent Use Permit

Applications for Major Use Permits and Tentative Maps shall be filed with the Department of Planning and Land Use (DPLU). The DPLU shall assign a project manager to handle the case; assign a first PERB hearing date; distribute copies of the submittal to agencies, departments, planning groups and environmental groups; and send a notice of the application to residents within 300 feet of the proposed project within the first 2 days following intake. A staff field check of the project site shall occur within the first 20 days following project intake. At the discretion of staff and the applicant, a Staff Advisory Committee (SAC) meeting shall be held prior to the first PERB hearing consisting of the applicant and necessary County staff to provide input to the project (an optional SAC meeting may also be held after the first PERB meeting if it is determined by the PERB to be needed).

The PERB shall conduct a noticed legal public hearing to consider preliminary testimony about the application within the first 30 days, with a second notice being given of same to residents within a 300 foot radius of the project site; and a legal newspaper ad shall run as required by State law and local ordinances.

The PERB will, at its first public hearing, hear testimony from those present and receive evidence as specified in the Administrative Code; decide whether or not the staff recommended environmental finding appears valid or whether it needs to be revised; and take a preliminary action to approve the application with final action occurring on a consent calendar at the second PERB hearing. If it is determined by the applicant, staff, interested public or the PERB

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that a Board policy clarification needs to be made, send the issue forward for clarification, and return to the PERB to complete normal processing of the application. The PERB will continue the case for a second PERB meeting, at a date certain, a minimum of three weeks after the first PERB hearing.

It is further the policy of the Board of Supervisors that for cases which are recommended for a Negative Declaration or Mitigated Negative Declaration as defined by the California Environmental Quality Act, that staff shall run the environmental legal ad following the first PERB meeting so that the PERB may conduct its second PERB hearing within five weeks of the first hearing, at which time the PERB should be capable of rendering a decision on the case.

In instances where an Extended Initial Study or an Environmental Impact Report is warranted, the PERB shall endeavor to focus requests for additional studies at the first PERB hearing, and continue the hearing to the next most convenient date following completion of the additional impact studies. At the discretion of the PERB, this hearing may be either a first or second PERB meeting.

If the second PERB meeting date will occur four months or longer after the first PERB, then DPLU staff shall renotice all properties within the 300 foot radius and rerun the newspaper legal ad.

All Major Use Permits and Tentative Maps coming before the PERB shall adhere to the processing schedule (See page three of this Policy).

All PERB decisions are appealable to the Planning Commission except for environmental appeals.

It is further the policy of the Board of Supervisors that time line management shall be tracked and monitored by the (PAPP) Permit and Project Processing Coordinator, who is the Director of the DPLU. The PAPP Coordinator shall have the authority to request any systemic or management changes necessary in the various County departments to achieve compliance with the responsible departments. The affected departments shall, in turn, be obligated to achieve time line compliance.

B. A Tentative Map and/or Major Use Permit Case (Including Policy 3.8) That is Linked With a Rezone and/or Specific Plan and/or General Plan Amendment Filed Concurrently for the Same Site

The PERB shall not have jurisdiction over linked cases except as noted in Section C.

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C. A Single Major Use Permit Filed Pursuant to Policy 3.8 of the County General Plan or When Filed Concurrently With a Tentative Map

All of Paragraph A shall be operative except that the PERB will not have legal authority to approve, deny or modify Policy 3.8 Major Use Permits singularly or when linked with Tentative Maps, but will act to make an advisory recommendation including an environmental finding before forwarding the package to the Planning Commission. The PERB will conduct a first PERB advisory meeting within 30 days in order to focus the case and make an environmental finding, but it will not conduct its normal second PERB hearing, but rather, will transmit its recommendation to the Planning Commission for final action. At times it may be necessary to continue the first PERB meeting to another first PERB in order to make the environmental finding.

TYPICAL CASE PROCESSING SCHEDULE (INSERT DIAGRAM)

D. Termination of Policy; Application to Projects

The procedures set forth in this Policy are being superseded by those set forth in Policy I-114. This Policy shall have no application to any application for a project filed on or after October 10, 1992. Applications filed on or after that date shall be governed by Policy I-114. Projects filed before that date shall continue to be processed pursuant to this Policy I-96. The DPLU shall determine when this Policy is no longer needed due to the completion of processing of all filed before said date, and shall return to the Board of Supervisors thereafter with a recommendation for the repeal of this Policy.

Sunset Date

This Policy will be reviewed for continuance by 12-31-03.

Board Action

12-15-82 (36), Operative 03-01-83

05-16-84 (29)

07-26-88 (43)

12-12-89 (49)

06-05-90 (43)

09-25-90 (41)

08-11-92 (17)

04-14-99 (11)

CAO Reference

1. Department of Planning and Land Use

2. Department of Public Works